

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 11/15/21

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KS TRADE, LLC, and YONI MIZRAHI,	:	
	:	
Plaintiffs,	:	1:20-cv-9200-GHW
	:	
-against-	:	<u>ORDER</u>
	:	
SIMPLE WISHES, LLC, PUMPING	:	
ESSENTIALS, LLC, and KEREN JOZWIAK	:	
	:	
Defendants.	:	
	:	
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GREGORY H. WOODS, District Judge:

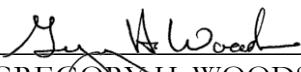
On November 11, 2021, Samuel Johnson moved to quash a subpoena to testify at a deposition in this matter. His motion is denied without prejudice. Under Federal Rule of Civil Procedure 45, subpoenas must be challenged in the jurisdiction where compliance is required. Rule 45(d)(3) states that when moving to modify or quash a subpoena, a party can bring a motion in front of the “court for the district where compliance is required.” Fed. R. Civ. P. 45(d)(3). If the court where compliance is required did not issue the subpoena, it may transfer the motion to the issuing court “if the person subject to the subpoena consents or if the court finds exceptional circumstances.” Fed. R. Civ. P. 45(f).

Mr. Johnson’s motion does not provide any basis for filing his motion in this Court. The subpoena, attached as Exhibit A to Mr. Johnson’s motion, suggests that the deposition will take place in Dallas, Texas and Mr. Johnson’s signature line indicates that he is based in Plano, Texas. If Mr. Johnson refiles his motion in this district, he should indicate why he believes this is the proper court to hear the application.

The Clerk of Court is directed to terminate the motion currently pending at Dkt. No. 99.

SO ORDERED.

Dated: November 15, 2021
New York, New York



GREGORY H. WOODS
United States District Judge